



CHESTER J. CULVER
GOVERNOR

PATTY JUDGE
LT. GOVERNOR

WALTER REED, JR.
DIRECTOR

DIVISIONS OF:
COMMUNITY ACTION AGENCIES
CRIMINAL & JUVENILE JUSTICE PLANNING
DEAF SERVICES
LATINO AFFAIRS
NATIVE AMERICAN AFFAIRS
PERSONS WITH DISABILITIES
STATUS OF AFRICAN AMERICANS
STATUS OF WOMEN
STATUS OF ASIAN-PACIFIC ISLANDERS

Iowa Commission on Native American Affairs
March 19, 2009, 9:00am
Lucas Building, Room 201
Des Moines, Iowa

Agenda Item	Minutes	
Members Present	Judy Allen, Chair Vicky Apala-Cuevas Karen Mackey George Leduc Larry Lasley	Judy Yellowbank, Vice Chair Theresa Essmann-Mahoney Franklin Dean Phillips Joe Dan Coulter Greer Sisson
Members Absent	John Jewett	
Other Attendees	Walter Reed, Director, DHR Darla Welch, Recording Secretary Judy Morrison, Native American Advocate for Department of Corrections John Baldwin, Director-Department of Corrections Eugene Gessow, Director-Department of Human Services Mary Nelson, Department of Human Services Alisa Horn, Iowa Department of Human Services Numerous members of the public – sign in sheet attached to original Minutes	
Agenda Items	<ol style="list-style-type: none"> 1. Call to Order. The meeting was called to order by Chair Allen at 9:13am. Housekeeping announcements were presented. 2. Invocation. An invocation was given by George Leduc. 3. Roll Call. See above. A quorum was present. 4. Approval of Agenda. Karen Mackey moved approval of the Agenda. Seconded and carried. 5. Approval of January 16, 2009, Minutes. Karen Mackey moved approval of the Minutes. The motion was seconded and discussion ensued. Edits to the Minutes were noted and will be made to the original Minutes of January 16, 2009. The motion carried that the Minutes be adopted as amended. <p>It was determined a thank you letter should be sent to both the Sioux City Human Rights Commission and the Four Directions Center for the lunch and facilities provided for the January 16 commission meeting.</p> <ol style="list-style-type: none"> 6. Old Business <ol style="list-style-type: none"> a. Notes from the public forum of January 16, 2009, were discussed. Judy Yellowbank indicated the notes did not thoroughly reflect what was said by members of the public. Judy Allen indicated she would like to have an actual transcript of the meeting prepared. Because Secretary Welch is not equipped to do transcripts, which requires court-reporting equipment, she will check into services that might be available to do so and the cost of same. It was mentioned this service would likely run several hundred dollars. <p>It was suggested the notes be sent out to those individuals who spoke at the public forum for their edits; however, it was determined that this would not necessarily reflect a true account of</p> 	

what was actually said at the meeting.

A motion was made by Joe Dan Coulter to table the issue until the next meeting. The motion was seconded and carried.

7. New Business

- a. Proposed Reorganization of the Department of Human Rights. Brian Jennings updated that with the budget situation being rather tight, the Governor's office has decided to look at some of the departments to reorganize to be more efficient and cost savings. A Bill was filed and has passed out of committee last week. It has since been referred back to committee for further work and has been tabled subject to more discussion. In the long term view, this Bill would allow for more sharing of resources between the divisions. He indicated there will be consultations with the Chairs of the various divisions and commissions if they proceed, and expressed that this is in a very draft status and action is unlikely during this legislative session.

If the Bill passes, the report on the role of the Division Administrator (DA) would no longer be necessary as there would be no DA position. If it does not pass, that report would still need to be done.

Director Reed indicated that effective May 1, he has been appointed to the Board of Parole. He will be meeting next week with them on the particulars of the position. Preston Daniels has been appointed the new Director of the Department of Human Rights, effective May 1. Commissions will continue to function as they do now with the same responsibilities and duties as indicated in the Code. There is still the possibility of adding a staff person in the office for the Native American Affairs Commission.

Brian Jennings indicated he would e-mail all of the commissioners regarding the budget being tight. The estimating committee will be meeting tomorrow and there will be further discussion at that time. He indicated the Governor's budget does reflect money at this time for a Division Administrator.

He indicated they would be able to adjust the budget to allow next year's funds to be used for other items besides just travel, i.e. support items. The legislature will still have to approve this, as well as approving the actual budget figure for next year.

The only other legislative update is that it appears the entire Child Welfare Act did not pass through the funnel and is not going to proceed any further. Note that while the bill is officially dead, ideas are never 100% over until the session adjourns. Brian Jennings will keep the commission advised if the issue is reopened.

Franklin Phillips inquired if the budget had been presented to the Governor yet, and if it was more than before. Brian Jennings indicated the 1.5% budget cut was reflected in last year's budget. The FY2010 budget year will begin on July 1. The Governor's proposed budget for FY2010 reflects a 6.5% cut on nearly all appropriations, with almost no budgets receiving increases. For this particular commission, a 6.5% cut doesn't actually amount to a large amount of money. The Governor feels at this time he cannot allot additional money for an administrator with cuts being made across the board.

Judy Allen inquired whether funds remaining at the end of the year can be carried forward. Director Reed indicated this is not allowed. Any unused funds revert back to the General Fund. The budget funds must be spent prior to July 1. There is an allowable period beyond fiscal year-end to get bills submitted for payment; however, the service itself must have been rendered prior to June 30.

In the event the legislature doesn't pass the Bill, the commission will need to work on putting together a 1-2 page report on goals for the division, what they would like to see as far as an

Administrator, etc. This could likely be done by conference call. Director Reed indicated that it is not likely the division will have to function without staff in 2010. This could be a Division Administrator, a program planner, an executive officer, etc. He suggested the commission consider having a 1-2 day retreat for goal-setting, planning, etc. He suggested bringing in someone from management as a facilitator for the process. Brian Jennings suggested that the commission hold off on doing this until Preston Daniels takes over as Director.

Judy Allen inquired what happens should the commission run out of money before the fiscal year ends. Director Reed indicated there was a possibility they would consider a fund transfer from another division within the department, providing another division had funds available.

Judy Yellowbank asked whether it is known where the proposed changes to the Iowa Child Welfare Act came from. Brian Jennings indicated non-partisan research is done by the Legislative Service Agency (LSA) on what is necessary to do to comply with the Supreme Court rules. The Meskwaki Tribe had the view that the Bill that was drafted to comply with the Supreme Court order actually went beyond what the Supreme Court order asked, and that there were large differences between what the LSA asked for and what the Supreme Court asked for. Brian Jennings indicated he has been told by staff that the bill is dead. Judy Yellowbank asked that any attempt to do anything further on this come before the commission. Brian Jennings indicated the Governor's office has indicated they will use the commission as the principal advisor on issues.

Theresa Essmann-Mahoney asked if all commissioners can be registered as lobbyists. They can; however, must realize that there is considerable reporting that is required by registered lobbyists, as well as restrictions on their activities, and that there are fines levied for non-compliance to reporting requirements. More information can be obtained from the legislative page of the website, lobbyist information section. Brian Jennings suggested that one person from the commission be designated to do this on behalf of the commission. Director Reed indicated this could be something they would want to visit with Preston Daniels about. For the most part, the legislative "year" is nearing an end, and this could be done for next year. He also added that since directors are paid partially from Federal funds, they are not allowed to lobby.

Director Reed suggested the commission might also want to have Charlie Smithson from the Iowa Ethics and Campaign Disclosure Board come to address the commission at some point.

Judy Allen reminded the commissioners that even though they are not registered lobbyist, they can still talk to their state representatives and senators about issues. They cannot, however, represent themselves as speaking on behalf of the commission.

- b. Report from the Commission Chair. Judy Allen thanked the commissioners who responded to the 1181 Bill.

She asked that when commissioners speak to others on behalf of the commission, they put together a report and make sure everyone receives it. That way everyone is aware of what is going on in the name of the commission.

On February 17, Judy Allen and George Leduc met with Brian Jennings and Director Reed regarding cultural sensitivity issues. She will present a report on this.

She also attended Wayne Ford's presentation for the legislative Bill regarding jobs in Iowa.

In addition, she and Greer Sisson met with Todd McGhee from IWD today regarding the stimulus Bill and grant issues were mentioned. Shirley Schirmer, University of Iowa office of archeologists, has asked to meet with the commission on the burials program (repatriation). While the commission cannot act on anything in that regard, they can be made aware. Judy

Allen asked that this be placed on a future agenda. Joe Dan Coulter indicated he had spoken with the office of archeologists with regard to the capitol display and they were very supportive of the commission.

Judy Allen advised the commission they are allowed to hold fundraisers. She suggested people who do crafts might want to donate them for sale. Joe Dan Coulter indicated the commission needs to promote themselves at the Powwow's, and that it might be useful to have a table or booth with literature and an opportunity for people who wanted to support the commission to do so. Brian Jennings indicated the Governor's office would be willing to do a proclamation for the Powwow's if asked. Director Reed indicated individuals are allowed to make contributions; however, there are specific procedures for doing so, and the commission would need to talk to Fiscal staff on how to set this up. There is a fact sheet available on the state Data Center website that addresses the Native American population in Iowa and that could be used as a handout.

Judy Yellowbank inquired how long Brian Jennings thought we will have a \$6,000 budget. He indicated he doesn't know; however, that the Asian Pacific Islander Commission functioned on that amount for three years. There could be significant changes in upcoming fiscal year budgets. Judy Yellowbank asked if the commission had been provided with copies of what other divisions get in the way of budget for this year, what they got last year, and the year before that. Brian Jennings indicated he had sent that information. Judy Allen asked him whether it would be helpful to write letters to the Governor regarding the need for more funding. Brian Jennings indicated it wouldn't be hurtful.

Director Reed indicated the commission should take ample time to develop a vision and outline what the needs are so they approach the Governor's office with solid information. Then they could begin to negotiate with the Governor's office. He indicated other commissions hold annual planning times when they do this. The Governor's Bill is the one that goes forward and the commission should present him with facts on what is important to them. Judy Yellowbank indicated it does not seem the other commissions are faced with the same dire needs that the Indian people have, and that they need to do something to actively protect their families, yet she doesn't see this happening.

Franklin Phillips indicated he feels that the Native Americans were the last ones to get a commission, and that it isn't fair that while the other commissions have their funding established, the Commission on Native American Affairs has to start at the bottom funding wise. He indicated he thought they were going to be treated equally, but instead sees other commissions getting more funding while they are starting with basically nothing.

Judy Allen asked Brian Jennings what it takes to schedule a meeting with the Governor. He indicated he doesn't know how realistic that is. The commission could submit a request on the website and he would be willing to ask someone in their office to advocate for the meeting. The Governor does recognize that the commission doesn't have resources. He also indicated it isn't typical for most commissions that someone from the Governor's office attend commission meetings. Director Reed indicated the liaison in the Department of Human Rights is the Director. In the past, until Syeta Glanton came, Director Reed never did see a representative from the Governor's office attend a commission meeting. He indicated before they try to meet with the Governor, they need to take time to know exactly what their goals and needs are so they are ready to sit down and talk specifics. Brian Jennings indicated when they fill out the meeting request form, they should also indicate their willingness to visit with the Lt. Governor. If the Governor isn't available, sometimes the Lt. Governor meets with a group. Brian noted that the Lt. Governor is highly involved in almost all decisions made by the Culver-Judge Administration.

Larry Lasley indicated with regard to planning, as a Governor's appointee, he feels it is important to represent everyone's interests. His goal is to visit each area in the state to meet with each person on the commission to learn what the various needs are. Need to talk about

how to divvy up the responsibility of gathering data.

Judy Alien suggested Larry Lasley might be a good person to act as facilitator for the planning meeting; however, after it was pointed out that the facilitator cannot be a participant in the actual planning, he declined.

At this point in the meeting time constraints made it necessary to hold items 7(c) and 7(d) for later discussion and proceed with presentations.

8. Judy Morrison, Native American Consultant for the Iowa Department of Corrections

Judy Morrison began her presentation by explaining that individuals who enter into the Oakdale facility, and who indicate that they are Native Americans are allowed to attend ceremony at whatever facility they may be sent to. It has been shown that this has resulted in fewer incident reports and less recidivism.

She has concern regarding the restraints put on Native Americans in institutions. She indicated she travels monthly to meet with Native American prisoners at all ten institutions throughout the state. When issues arise, prisoners know that they can call on her any time and she will respond immediately, and that conversations with her are held in confidence.

This year she has started going to each institution to meet with all staff that come in contact with Native men and women for a special 3-hour training session. The DOC has been very open to this.

She indicated that she does recognize there are institutions where the officers in charge need to have a little firmer hand in dealing with the Native American inmates.

There has been an issue regarding tobacco. The state has exempted prisons from the no tobacco rule; however, the DOC has taken the position to keep the ban in place. This has caused a hardship for Native American people.

The largest issue they are dealing with right now is the issue of wood and rock for ceremony. Inmates have very little money to donate toward the fund for wood and rock. A prior legal case set out that there should be no undue burden placed upon the Native men and women for ceremony. There are three institutions in the state whose have stepped forward and are supplying wood and rock for ceremony. Judy Morrison indicated all but one of the institutions are located close to cities. City workers remove trees each year and it was her suggestion that the cities be allowed to drop off the trees at the facilities. Processing the trees would provide work for the prisoners as well as providing the wood necessary for ceremony. In addition, most of the facilities are connected to farms that also have wood that would be available. This was brought to a warden's meeting and discussed; however, it was tabled and is still under discussion. Several institutions were unable to have ceremony this past winter because wood and rock were not available.

The rock is donated or facilities get it from the farms. There have also been responses from several facilities that have appropriate rock. She indicated there have been issues with security regarding families bringing in wood and rock. She will indicated to the facilities that she can be present when any such donations are made.

A handout was available showing Native American Population on December 31, 2008. The report shows a total of 158 Native Americans in prison as of this date. Judy Morrison indicated there are over 200 Native Americans who have come through Oakdale. She attributed this discrepancy partly because some individuals do not initially choose to identify themselves as Native Americans, and the numbers on the report represent those whom come through with enrollment numbers.

She is concerned about the excessive scrutiny that takes place in the facilities with regard to Native American men and women, and is working with facilities to make sure the guidelines are in place.

She indicated books have been found in the library that demean the religious ceremony of the Native American prisoners. The facilities have been advised to remove the books from their shelves.

She indicated there is a need for commission support regarding the Religious Review Committee. When an incident takes place that cannot be handled through the grievance procedure, it comes before the Religious Review Committee. She indicated at this time there are no Native Americans sitting on this committee. She encouraged the commission to send a letter to the DOC asking that there be a Native American appointed to the committee. She indicated she sat on the advisory committee with Governor Branstad for several years to talk about concerns for Native American people in the state of Iowa, but that this is no longer being done. She indicated that Native Americans have a "special relationship" with the State and the Federal government that supersedes any other group.

John Baldwin, Director, Iowa Department of Corrections

John Baldwin began by expressing his appreciation to Judy Morrison for her efforts on behalf of the Native American men and women, and indicated she constantly and consistently carries the message of the Native American people. He then indicated he would be happy to address any questions or take comments from those present.

Judy Morrison indicated they have built this relationship to a level that several of the facilities even have small areas where inmates can dress for ceremony and can keep their religious items closer to the lodge. The Department has stepped up over the last few years and really listened to the Native men and women in a responsive way; however, there is a long way to go yet.

Judy Allen indicated that Judy Morrison indicated certain facilities allow donations, but others don't. Who has the authority to make this happen? John Baldwin indicated that he does; however, he won't. The DOC is de-centralized. Part of the reason is that there are different rules at various facilities is different levels and different degrees of security. It is not "across-the-board", and rules are in place for protection of the people who work there and the people who are housed there at any specific time. In addition, a lot of this depends on the various coordinators in the institutions. Judy Allen indicated they are aware of where the Native American stand with regard to the need for wood and stone for religious ceremony, and that one would think this would be consistent across the board. She indicated they are open to creativity, and talk to the warden's all the time on being creative to solve solutions.

Larry Lasley asked if this can be expanded to include county and state donations, rather than just cities. Judy Morrison indicated there is a rock quarry right outside of Des Moines. She suggested that county and state vehicles be used to transport rock to the prison, and possibly even negotiate a special price for this service. Perhaps the state could provide a tax write-off for those quarries that donate.

Judy Morrison indicated most policies come from the DOC, but that many come direct from the warden who runs the institution.

She indicated she would like to see something done about education as well, providing additional education opportunities for the prisoners so they are better equipped to be productive citizens once they enter back into society.

John Baldwin indicated 8-10 years ago, there was more than \$3 million in the education budget. This is now cut back to \$175 thousand. The bottom line is that if you receive a GED or other type of education while in an institution and go to work on an IPI job, your recidivism rate is about 8%, compared to the average rate of 34%. He indicated if the commission is looking for an issue to work on, the issue of education would be a good issue.

He closed by indicating he would be happy to come back to another meeting, and that if the

commission had further questions, he would be happy to address them.

Franklin Phillips remarked that when an individual is incarcerated for committing a minor crime, they go into a closed unit where they learn more about crime. John Baldwin indicated 100% of the people who go into a facility have been found guilty, yet only 34% come back into the system. He pointed out that many policies are lenient, for example, if an individual is convicted of OWI three times, the law is that they are going to prison; however, the average number of convictions before that person is actually imprisoned is actually closer to seven.

Eugene Gessow, Director, Iowa Department of Human Services; Mary Nelson, Iowa Department of Human Services, and Alisa Horn, Iowa Department of Human Services.

Eugene Gessow opened discussion by stating that he actually came to the meeting to listen and to address questions. One of the areas of responsibility is the child welfare system and the Indian Child Welfare Act (ICWA). He indicated the Iowa Supreme Court has interpreted a portion of the ICWA, and that as a state department, they must comply with the Act as interpreted by them. He indicated he does not favor amending the Act beyond what was approved by the Iowa Supreme Court, and believes the Bill is dead.

Judy Allen indicated in Woodbury County there is a Native American unit in the DHS office. None of the individuals working in that unit, however, are Native American. All have been trained and given the information they need to provide services in that office. She suggested in hiring for those offices, Native American individuals be given priority. She indicated it is important that there be people that totally understand Native American people, their lives and customs. She indicated Woodbury County is a major issue. Eugene Gessow indicated they would not fire anyone to hire Native American people. He indicated he is not familiar with the law regarding hiring practices to the extent that they could affirmatively look for and give additional "points" for being Native American. He will provide an answer in a letter.

Joe Dan Coulter indicated there are likely many within the Department of Human Services. Is there a Division of Multi-Cultural Affairs that does have a Native American representative on it? Are there opportunities to give input, rather than complaints, in developing policies that apply to Native American people? Eugene Gessow indicated the responsibility of the Advisory Council is to be there and to listen to concerns. Most of the divisions in the department are statutory. All divisions are charged with being sensitive to the people that they serve. Their people are available to talk as needed.

Joe Dan Coulter indicated there have been many cases in the Federal government where various departments have doled out funds, but have forgotten the Tribes, indicating the state would take care of them. He would like to see Native American people brought in as advisory people in every department that affects the Native American community. Eugene Gessow indicated it would be great to work with the commission to do a better job with that. The Government has issued an Executive Order to all agencies to engage in this.

Judy Morrison indicated that besides being a consultant for DOC, she does sit on the Multi-Cultural Council. She extended an invitation to Director Gessow to attend their April meeting. He accepted.

Vicky Apala-Cuevas asked what the policy and history is when a Native child comes into the juvenile system. The eastern side of the state "goes by the book" when dealing with a Native American Child. In Woodbury County, this is not the case.

Mary Nelson, DHS, indicated if there are specific concerns the commissioners are hearing, she would like the opportunity to follow up on them. Their office, including their Native American Unit, has worked very hard to make sure their offices comply. There are other players, including the county attorney's office, who are individually elected, and this can create differences in how situations are handled.

She indicated once it is completed, she would like to receive a copy of the transcript of the public forum held in Sioux City.

Brian Jennings indicated there was an Iowa Supreme Court ruling on ICWA with some rules that weren't necessarily liked by the Native Community; however, there were some parts that were, including the role of the County Attorney. The Iowa Supreme Court ruled that Woodbury County is legally the lawyer for DHS in juvenile court, and does have to represent DHS.

Karen Mackey indicated that while problems have not been resolved, they are working on this. While DHS has come a long way, some of the other players, such as the county attorney's office, have not stepped up.

Theresa Essmann-Mahoney indicated the same issues apply in other counties as well. Possibly the commission needs to pull together the county attorneys and possibly even enlist the Attorney General's office to step in on these cases. She indicated the commission needs to work as a team with DHS to get the other people held accountable.

Vicky Apala-Cuevas has received stories from various prisoners whose cycle started in the foster care system. Woodbury County is definitely the biggest factor in the cycle. This is an urgent issue, and it is important that the commission work on it with DHS.

Judy Yellowbank indicated the county talks down to the families, showing no respect. Often the goal for the family team meeting has already been arrived at before the meeting even convenes.

Eugene Gessow indicated he will look specifically into what she is talking about and will respond in writing once he has had a chance to look over this.

Judy Yellowbank indicated another issue that is been coming up is moving the goal line. One young woman was told she must attend a parenting class. After attending three such classes, she is still marked for termination of rights. The case was opened because she had a history of drugs in the past, even though she is now clean.

Eugene Gessow indicated he will look into issues of who they hire as mediators and their qualifications, and how effective the family team meetings are. He will report his findings by letter. When it comes to the question regarding individual cases, he indicated he must respect the confidentiality rule. If the mother has specific issues she would like to discuss, she should send a letter to Mary Nelson. Judy Yellowbank indicated this case is similar to a lot of other cases, to the extent that the Four Directions Center has indicated if this is how it is going to be, they won't attend any further planning meetings. Karen Mackey will follow up with Eugene Gessow regarding the team in question.

Eugene Gessow indicated he will definitely look into the family team meetings. They are supposed to be a part of the solution.

At this point in the meeting, Brian Jennings asked that the commission welcome Representative Mary Mascher from Iowa City who joined the meeting. She was active in the creation of the commission.

Eugene Gessow was asked if there is anything being done to change the foster care program regarding juveniles who enter the foster care program, then later become wards of the DOC. He indicated they are looking at what has succeeded and what has not. Mary Nelson pointed out that child welfare also includes foster care. The education area has a problem. Too many children are going out of the foster care without a high school education. The goal is to have every child in foster care empowered to graduate from high school (not required). They are also taking a look at policy and program goals and performance around group care. She indicated Congress passed a law last fall that relates to the child welfare system. One provision allows states to establish a guardianship system for relatives, and they would continue to provide federal funding for this. Currently they are working to define "relative". A number of people have suggested they look

beyond traditional relatives, and start thinking about extended families in a larger way. This will have to be approved by the Federal Government. Perhaps the commission can give suggestions on how Native American Tribes define "relatives". They will be working on this during the next month. The Chief Justice has established the juvenile court system and making the partnership work one of her main priorities.

Judy Morrison indicated spiritual and cultural concerns of child facilities are not being met, for instance at the Clarinda facility. At least 75% of those she works with have been in the Juvenile Justice care program. Mary Nelson pointed out that most of these facilities are privately operated and not state operated.

7. New Business (Continued)

c. Outreach Opportunities. Director Reed recommended Joe Dan Coulter to Iowa Multi-Cultural Health Advisory Council. A motion was made by George Leduc, seconded and carried.

9. Public Comment

Representative Mary Mascher indicated the Asian Pacific Islander Commission is hosting its Showcase in the capitol rotunda today. She indicated she would like to see the ICNAA do something similar in the future.

Connie Williams, Diversity Officer for the Iowa National Guard indicated they have a facility at Camp Dodge that the commission could use for meetings and workshops. She also indicated they have the ability to print banners, etc., at no cost. She also reported that every armory in the state has an ICN room.

Joe Dan Coulter asked to receive a listing of every state department and advisory board that does not have a Native American representative on them.

10. Scheduling of Future Meetings.

The next meeting of the ICNAA

The next commission meeting will be held on Thursday, June 25, 2009, in Davenport, Iowa. The meeting will be hosted by the NACQC. Secretary Welch will work with them on the location and other specifics.

Karen Mackey advised she will not be available for the meeting.

FY2010 Planning/Goal Setting Workshop

It was determined that the two-day planning and goal-setting workshop would take place in Tama, Iowa, tentatively on May 6-7. It was noted that Preston Daniels will come on board as Director on May 1, and Brian Jennings indicated it was important to determine what his schedule is.

The suggestion was made that someone from the Department of Management be contact to act as facilitator for the planning workshop. Preplanning will be done in advance, as will the agenda and invitations.

11. There was no further business to come before the commission and the meeting was adjourned.

Submitted by:
Darla Welch, Recording Secretary